

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Blockquarry Corp. f/k/a ISW Holdings, Inc.,)	Civil Action No. 7:23-cv-01427-TMC
)	
Plaintiff,)	
)	
v.)	
)	
Litchain Corp. and Gaffney Board of Public)	CROSSCLAIMANT, GAFFNEY
Works,)	BOARD OF PUBLIC WORKS’
)	VERIFIED STATUS REPORT
)	ON SERVICE OF PROCESS ON
Defendants.)	CROSSCLAIM DEFENDANT,
)	LITCHAIN CORP.
)	
Gaffney Board of Public Works,)	
)	
Defendant/Counter and)	
Crossclaimant,)	
v.)	
)	
Blockquarry Corp. f/k/a ISW Holdings, Inc.,)	
)	
Counterclaim Defendant,)	
and)	
)	
Litchain Corp.,)	
)	
Crossclaim Defendant.)	
)	

Comes now Defendant/Counterclaimant/Crossclaimant, Gaffney Board of Public Works, South Carolina (“Gaffney BPW”), and pursuant to Rules 4 and 5 of the Federal Rules of Civil Procedure, Rule 13(g) of the Federal Rules of Civil Procedure, S.C. Code Ann. § 15-9-240, Fla. Stat. §§ 49.011, 49.021, and Local Civ. Rule 4.01 (D.S.C.) submits this Verified Status Report on Service of Process on Counterclaim Defendant, Litchain Corp.

1. On August 24, 2023, the Court entered a text order granting Gaffney BPW's motion seeking leave of Court to serve its crossclaim against Litchain Corp. ("Litchain") by publication,

pursuant to Rule 4(e)(1), S.C. Code Ann. § 15-9-710, and Fla. Stat. Ann. §§ 49.011, 49.021, in the South Carolina-based *The Gaffney Ledger* and the Florida-based *Sanford Herald*. When doing so, the Court directed Gaffney BPW to email summons and notice of action to the clerk's office for issuance. It additionally extended Gaffney BPW's deadline for serving Litchain until Friday, October 6, 2023. (ECF No. 56).

2. In compliance with this text order, Gaffney BPW emailed the clerk its Summons and Notice of Action, both of which were issued September 7, 2023. (ECF No. 60, 61).

3. On September 7, 2023, Gaffney BPW additionally mailed its Summons, Notice of Action, and Amended Cross-Complaint to Litchain, care of its registered agent, Tony Tate, via certified and first-class mail, postage prepaid. (See 9.7.23 Letter, attached as Ex. 1). Like all prior mailings to Litchain, both mailings were returned as undeliverable.

South Carolina Publication

4. On or about September 7, 2023, Gaffney BPW submitted a Summons and Notice of Filing Amended Cross-Complaint to *The Gaffney Ledger* to be published September 11, 18, and 25, 2023.

5. *The Gaffney Ledger* subsequently published the Summons and Notice of Filing Amended Cross-Complaint on September 11, 18, and 25, 2023, as requested.

6. On or about September 25, 2023, *The Gaffney Ledger* provided an affidavit of publication attesting to these publication dates, as required by Section 15-9-15 of the Code of Laws of South Carolina 1976, as amended. This affidavit has been submitted to the Court as Exhibit 2 and contemporaneously filed separately.

Florida Publication

7. On September 7, 2023, Gaffney BPW submitted the Court-issued Notice of Action (ECF No. 61) to the *Sanford Herald* to be published on September 13, 20, 27, and October 4, 2023, per Florida Statute Section 49.10.

8. The *Sanford Ledger* subsequently published the Summons and Notice of Filing Amended Cross-Complaint on September 13, 20, 27, and October 4, 2023, as requested.

9. On or about October 5, 2023, the *Sanford Ledger* provided an affidavit of publication attesting to these publication dates, as required by Florida Statute 49.10. This affidavit has been submitted to the Court as Exhibit 3 and contemporaneously filed separately.

U.S. Regular Mail

10. On October 6, 2023, Gaffney BPW sent the two affidavits of publication, Summons, Notice of Action, and Amended Cross-Complaint to Litchain's principal office in Florida and registered agent in South Carolina via first class mail, postage prepaid. (*See* 10.6.23 Letter, attached as Ex. 4).

Conclusion

11. Service of Gaffney BPW's Amended Cross-Complaint on Litchain has been perfected. Thus, Litchain's responsive pleading to the South Carolina summons is due October 16, 2023. *See, e.g., Nationstar Mortg. LLC v. Gore*, No. 4:19-CV-00230-SAL, 2020 WL 18147036, at *1 (D.S.C. Apr. 8, 2020) ("Because Ms. Gore failed to serve any response to the complaint upon counsel for Nationstar within 21 days after the last publication of the summons and complaint in the Sun News, Ms. Gore defaulted."). Litchain's responsive pleading to the Florida Notice of Action will be due November 1, 2023. *See* Fla. Stat. § 49.09 (requiring "defendant to file written defenses with the clerk of court and to serve a copy not later than the date fixed ins aid notice,

which date shall be not less than 28 . . . days after the first publication of the notice[,] on plaintiff or his or her attorney.”).

Respectfully submitted,

POPE FLYNN, LLC

October 6, 2023

By: /s/ Virginia P. Bozeman

Virginia P. Bozeman (Fed. Bar No. 13476)

Lawrence E. Flynn III (Fed. Bar No. 14000)

1411 Gervais Street, Suite 300

Columbia, SC 29201

Phone: (803) 354-4900

Fax: (803) 354-4899

gbozeman@popeflynn.com

lflynn@popeflynn.com

ATTORNEYS FOR GAFFNEY BPW

VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my ability and knowledge.

VIRGINIA P. BOZEMAN

Virginia P. Bozeman
Virginia P. Bozeman
POPE FLYNN, LLC

SWORN to before me this 6th day of
Oct., 2023

Angela L. Gould
Notary Public of South Carolina
My Commission Expires: 3.11.24

